

**IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA**

**ORDER**

**#1336**

**RECOGNIZING WATER RIGHTS SUPERSEDED BY THE COLD SPRING DECREE**

**WHEREAS**, pursuant to Nevada state law, on November 21, 2022, the Second Judicial District Court entered its Corrected Findings of Fact, Conclusions of Law, Judgment, and Decree affirming the Order of Determination entered by the State Engineer, as amended by the Court, which adjudicated the groundwater and all streams and springs within the Cold Spring Hydrographic Basin (100), including Jones Creek and Waltz Creek.<sup>1</sup>

**WHEREAS**, the Corrected Findings of Fact, Conclusions of Law, Judgment, and Decree also amended the Order of Determination to find that there is no additional unappropriated water in a normal year.<sup>2</sup>

**WHEREAS**, the State Engineer found valid Proofs of Vested Claim V-09105, V-09106, V-09107, and V-09109.<sup>3</sup>

**WHEREAS**, the State Engineer has issued various permits and certificates pursuant to NRS Ch. 533, including Permit 20240, Certificate 5650, with a priority date of January 10, 1962; Permit 20241, Certificate 5651, with a priority date of January 10, 1962; Permit 20242, Certificate 5652, with a priority date of January 10, 1962; and Permit 41465, Certificate 10797, with a priority date of June 5, 1980. These permits were issued subject to existing rights.<sup>4</sup>

**WHEREAS**, the State Engineer also found in the Order of Determination that:

1. Permit 20242, Certificate 5652 appropriated the same spring water as V-09105.
2. V-09106 is a valid claim, sharing the same point of diversion (Waltz Canyon Creek) as Permit 20241, Certificate 5651.
3. Permit 20240, Certificate 5650, appropriated the same spring water as V-09107.
4. V-09109 appropriated the entire natural flow of Ground Hog Spring under natural flowing conditions. This is the same source as Permit 41465, Certificate 10797.<sup>5</sup>

---

<sup>1</sup> Corrected Findings of Fact and Conclusions of Law, Judgement, and Decree, *In the Matter of the Determination of the Relative Rights in and to All Waters of Cold Spring Valley Hydrographic Basin No. 07-100, Washoe County, Nevada*, Case No. CV21-01532, In the Second Judicial District Court of the State of Nevada in and for the County of Washoe issued November 21, 2022. (Cold Spring Decree).

<sup>2</sup> *Id.*


<sup>3</sup> Order of Determination In the Matter of the Determination of the Relative Rights in and to the Waters of Cold Spring Valley, Hydrographic Basin No. 07-100, Washoe County, Nevada, issued June 21, 2021. (Cold Spring Order of Determination).

<sup>4</sup> File Nos. V-09105, V-09106, V-09107, V-09109, 20240, 20241, 20242, 41465, official records of the Division of Water Resources.

<sup>5</sup> *Id.*; Cold Spring Order of Determination, pp. 37-40, 70.

**WHEREAS**, Nevada law provides that any certificate of appropriation issued on an adjudicated source is granted subject to the existing rights recognized in a decree.<sup>6</sup> Accordingly, the use of permitted water rights cannot interfere with senior water rights recognized in the Order of Determination or the Corrected Findings of Fact, Conclusions of Law, Judgment, and Decree for the Cold Spring Basin.

**ACCORDINGLY**, Vested Rights V-09105, V-09106, V-09107, and V-09109 supersede Permit 20242, Certificate 5652, Permit 20241, Certificate 5651, Permit 20240, Certificate 5650, and Permit 41465, Certificate 10797, respectively, and these superseded water rights are now void.

  
ADAM SULLIVAN, P.E.  
State Engineer

Dated at Carson City, Nevada this

4<sup>th</sup> day of January, 2024.

---

<sup>6</sup> NRS 533.430.

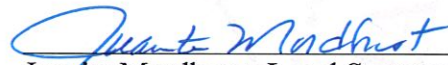
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of **ORDER 1336 RECOGNIZING WATER RIGHTS SUPERSEDED BY THE COLD SPRING DECREE** was served by U.S. regular and certified mail, postage prepaid, on **January 5, 2024**, on the following:

Heinz Holdco LLC  
777 South Center St., Suite 105  
Reno, NV 89501  
Regular and Certified Mail #9489009000276498712766

Mike Hardy  
Lumos and Associates  
9222 Prototype Drive  
Reno, NV 89521  
Regular and Certified Mail #9489009000276498712773

Dean Neubauer  
Lumos and Associates  
308 N. Curry Street, Suite 200  
Carson City, NV 89703  
Regular and Certified Mail #9489009000276498712780



Juanita Mordhorst, Legal Secretary II  
Nevada Division of Water Resources  
Hearings, Compliance & Adjudications Sections